

### **REMARKS/ARGUMENTS**

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks/arguments. By the present Amendment, claims 65, 71, 72 and 78 are amended, as are ¶[0055], ¶[0056], ¶[0057] and ¶[0058] of the specification. Claim 77 has been canceled without prejudice. No new matter has been added. Claims 65-76 and 78-81, as herein amended, remain pending in the present application.

#### **I. INTERVIEW**

An Interview was conducted by telephone on August 7, 2007, between the Examiner and the Attorney of Record for the Applicants. During that Interview all of the pending objections to the drawings and the specification were discussed. It is understood that any amendments where appropriate are made in the present Amendment, and that these amendments overcome all of the pending objections. In addition, all of the pending rejections were also discussed. However, it further understood that the proposed amendment and remarks made in the present Amendment are sufficient to overcome all of the pending rejections of the claims or the specification. Accordingly, in view of the above amendments and the following remarks, it is believed that all of the pending objections and rejections in the present application have been overcome, and that there the application and its pending claims should be found allowable and ready for issue.

#### **II. DRAWING AMENDMENTS**

The Examiner has requested that all of the current drawing sheets be resubmitted in a single packet, with reference to the informal drawings filed on June 3, 2003. In response, the Applicants are submitting Drawings Sheets 1-10, which include Replacement Sheets 1-8 and

New Sheets 9-10, as suggested by the Examiner. With regard to objections made to the drawings, the following drawing amendments are presented on these submitted sheets, and where the amendments are referenced from the drawings filed June 25, 2007:

FIG. 15 – Aperture 216A is changed from a cylindrical opening to a rectangular opening; reference number “211A” is changed to “211” and reference number “213A” is changed to “213”; the second occurrence of reference numbers “212A” and “214A” and their corresponding brackets has been removed;

FIG. 15A – Aperture 216A is also changed from a cylindrical opening to a rectangular opening; aperture 216A is changed to a blind hole; reference number “211A” is changed to “211” and reference number “213A” is changed to “213”; reference number “222A<sub>1</sub>” is changed to “222A” and reference number “222A<sub>2</sub>” is changed to “222B”;

FIG. 15B - Reference number “211B” is changed to “211” and reference number “213B” is changed to “213”; reference number “222B<sub>1</sub>” is changed to “222A” and reference number “222B<sub>2</sub>” is changed to “222B”; and

FIG. 15C - Aperture 216A is changed to a blind hole.

The figures corresponding to the drawings filed on June 3, 2003, have been arranged on the same sheets as in those original drawings, as requested by the Examiner;

FIGs. 15A-15D and FIG. 21 are submitted on New Sheets, also as requested.

In view of the above, the Applicants believe the formal drawings fully comply with all requirements and therefore that all objections to the drawings have been overcome.

### **III. OBJECTIONS TO THE DRAWINGS**

The Examiner has objected to the drawings as failing to show the aperture 216A being

rectangular. In response, the Applicants have amended Figures 15, 15A and 15C to illustrate such an aperture. Accordingly, this objection has been overcome.

The Examiner has also objected to the drawings because the Examiner believes reference characters 211A (FIG. 15A) and 211B (FIG. 15B) have both been used to designate the same upper ridges. The Examiner has also objected to the drawings because the Examiner believes reference characters 213A (FIG. 15A) and 213B (FIG. 15B) have both been used to designate the same lower ridges. In response and in accordance with the Interview conducted with the Examiner, reference number “211B” is changed to “211” and reference number “213B” is changed to “213” in FIGs. 15A and 15B. Accordingly, it is believed these objections have been overcome.

In addition, the Examiner has objected to the drawings because the Examiner believes reference characters 222A<sub>1</sub> (FIG. 15A) and 222B<sub>1</sub> (FIG. 15B) have both been used to designate the same upper centered ridges. Also, the Examiner has objected to the drawings because the Examiner believes reference characters 222A<sub>2</sub> (FIG. 15A) and 222B<sub>2</sub> (FIG. 15B) have both been used to designate the same lower centered ridges. In response and in accordance with the Interview conducted with the Examiner, reference number “222A<sub>1</sub>” is changed to “222A” and reference number “222A<sub>2</sub>” is changed to “222B” in FIG. 15A, and also reference number “222B<sub>1</sub>” is changed to “222A” and reference number “222B<sub>2</sub>” is changed to “222B” in FIG. 15B. Accordingly, it is believed these objections have also been overcome.

#### **IV. OBJECTIONS TO THE SPECIFICATION**

The Examiner has objected to an amendment to paragraph [0058] of the specification that included the term “optionally” with regard to the size and shape of the aperture in some of the

fastener embodiments. In response and in accordance with the Interview conducted with the Examiner, paragraph [0058] has been amended to remove the term “optionally.” Accordingly, it is believed the objection has been overcome.

In addition, the Examiner has also objected to the specification as containing new matter, specifically with regard to the shape of the apertures illustrated in Figures 15, 15A and 15C. As noted above, however, FIG. 15, FIG. 15A and FIG. 15C have now been amended to illustrate the rectangular aperture discussed in the specification. Accordingly, it is believed this objection has also been overcome.

The Examiner has next objected to the Amendment filed on September 2, 2005, for allegedly introducing new matter in paragraph [0057], specifically with regard to the stop 222 discussed in this paragraph. Along the same lines, the Examiner has also objected to the description of maximum diameter ridges 222A<sub>1</sub>-222B<sub>2</sub> in the amended specification. In response and in accordance with the Interview conducted with the Examiner, paragraph [0057] has been amended so that maximum diameter ridges illustrated in Figures 15A and 15B are no longer cited as “stops.” Accordingly, it is further believed that this objection has also been overcome.

Finally, the Examiner has objected to the specification as not providing antecedent basis for claim 73, lines 1-3, which recites “the ridges on the first hemispheroidal portion are directed towards the ridges on the second hemispheroidal portion.” In response, the Applicants have amended paragraph [0057] of the specification to ensure antecedent basis exists for this claimed feature. As previously noted by the Examiner, the originally filed informal drawings, e.g. Figures 15-17, illustrated triangular ridges, wherein ridges on the upper portion of the ball fastener were directed towards ridges on the bottom portion. Hence, support for this addition to

paragraph [0057] is found in the originally filed disclosure. Based on the above, it is further believed that this objection has also been overcome.

## **V. OBJECTIONS TO THE CLAIMS**

The Examiner has objected to claim 65, line 11, for inadvertently reciting the term “symmetry” rather than the term “opposition.” In response, claim 65 has been amended to correct this inadvertent error.

## **VI. REJECTIONS UNDER 35 U.S.C §112**

The Examiner has rejected claim 71 under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. Specifically, the Examiner asserts that claim 71 makes it unclear whether the railing is part of the claimed fastener or simply an intended use for the fastener. In response and in accordance with the Interview conducted with the Examiner, the Applicants have amended claim 71 to recite different subject matter, and thus it is believed that this rejection has been overcome.

## **VII. REJECTIONS UNDER 35 U.S.C. §102**

The Examiner has rejected claims 65, 67, 68, 70, 71, 75 and 77-81 under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent 2,363,477 to Barton. In the present Office Action, the Examiner has indicated that dependent claim 72 recites allowable subject matter, namely, that the fastener includes an elongate fastener that comprises a screw. The Applicants have amended independent claim 65 to include the subject matter of allowed claim 72 and the subject matter of any intervening claims. This amendment was discussed during the Interview and therefore it is believed that independent claim 65, and the claims dependent thereon, are now

allowable. Thus, the Applicants respectfully request that the Examiner withdraw this rejection.

### **VIII. REJECTIONS UNDER 35 U.S.C. §103**

The Examiner has rejected claims 66, 69 and 74-76 under 35 U.S.C. §103(a) as allegedly obvious in view of Barton. As mentioned above, the Applicants have amended independent claim 65 to include the subject matter of allowed claim 72. Accordingly, it is believed that independent claim 65, and the claims dependent thereon, are now allowable, and the Applicants respectfully request that the Examiner withdraw this rejection as well.

### **IX. CONCLUSION**

The Applicants respectfully assert that claims 65-76 and 78-81, as herein amended, all recite allowable subject matter, pending the overcoming of any standing objections. The Examiner is requested to contact the Attorney of Record in needed to expedite prosecution of the present application. The Applicants note that the shortened two-month deadline for filing a response is September 18, 2007; thus, this Amendment is timely and no fee is required. If it is determined that any fees are due, please charge Deposit Account No. 13-0480, referencing the Attorney Docket Number specified herein.

Respectfully submitted,

/James H. Ortega/

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